

# United States Senate

WASHINGTON, DC 20510

June 29, 2018

525

Federal Communications Commission  
445 12th St. SW  
Washington, DC 20554

Dear Commissioners,

We write in response to the Federal Communication Commission's (FCC) Notice of Proposed Rulemaking (NPRM) regarding the children's television programming rules ("Kid Vid"). The "Kid Vid" rules ensure that children around the country, including low income children whose families may be unable to afford pay-TV and online streaming options, have access to quality educational content. Any proposed revisions to these rules must be informed by research and data to clearly demonstrate that such changes to the "Kid Vid" rules will not hamper American children's ability to view the educational content they need. Yet the Commission's recent proposed rulemaking on "Kid Vid" lacks this needed information and instead tentatively concludes that several key "Kid Vid" provisions should be revised or eliminated. Rather than moving in haste to revise rules that benefit an unknown number of children nationwide, we urge the Commission to act more thoughtfully by abandoning this rulemaking and instead issuing a simple Notice of Inquiry (NOI) in order to fully understand the impact of the rules before making any conclusions about their future.

Congress underscored the importance of providing young Americans with educational and informative content to help them thrive and grow by passing the Children's Television Act of 1990. Subsequently, the FCC adopted the "Kid Vid" rules in 1996, requiring broadcasters to air an average of at least three hours of core children's educational and informational programming per week and establishing several additional guidelines to safeguard American families' access to this programming.

On January 26, 2018, Commissioner O'Reilly authored an official blog post about the "Kid Vid" rules, calling the rules "unnecessary."<sup>1</sup> Following Commissioner O'Reilly's blog post, in which he argued that certain "Kid Vid" rules should be "rolled back or reconsidered," FCC Chairman Pai tasked Commissioner O'Reilly with reviewing the rules. The FCC then announced proposed modifications to the "Kid Vid" rules without first issuing an NOI to provide a public forum to better understand the rules' impacts before proposing any changes.

The Commission's proposed rulemaking includes insufficient information to justify its proposed rule changes. For example, the NPRM proposes eliminating the requirement that broadcasters air their Core Programming on main program streams, paving the way for broadcasters to move their children's content to multicast streams, without providing data to demonstrate that doing so will not significantly diminish access to and viewership of their children's content. Similarly, the

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<sup>1</sup> Michael O'Reilly, *It's Time to Reexamine the FCC's Kid Vid Requirements*, Federal Communications Commission (Jan 26, 2018), <https://www.fcc.gov/news-events/blog/2018/01/26/its-time-reexamine-fccs-kid-vid-requirements>.


NPRM includes a proposal to modify the rule requiring broadcasters to air at least three hours of core children's educational and informational programming per week, without offering any evidence that airing less educational content will somehow not hurt children.

In the absence of key information about how American children access educational programming on television and how significant changes to the "Kid Vid" rules would affect this access, the Commission's proposed rulemaking is premature. Given the critical importance of these rules and our concern that several proposals in the Commission's NPRM have the potential to undermine the rules' effectiveness, we respectfully request that the FCC revise its item on children's programming rules as an NOI and go through a rigorous fact finding process. The Commission should not act in haste to revise rules that can negatively impact children in our country.


Sincerely,

  
Edward J. Markey  
United States Senator

  
Bill Nelson  
United States Senator

  
Catherine Cortez Masto  
United States Senator

  
Kirsten Gillibrand  
United States Senator

  
Richard Blumenthal  
United States Senator

  
Jack Reed  
United States Senator





FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

August 10, 2018

The Honorable Jack Reed  
United States Senate  
728 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Reed:

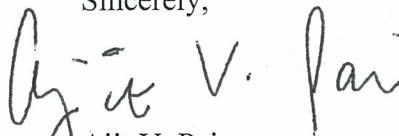
Thank you for your letter regarding children's television programming. I share your goal of ensuring that the children of all Americans have access to quality educational and informational content while ensuring that over-the-air broadcasting remains a free, vital service for low-income Americans who cannot afford other alternatives. And to ensure that the broadcast industry performing this public service continues to thrive, we must ensure that our rules keep pace with the times.

As you know, the Commission has been reviewing how to modernize its media regulations, including our rules regarding children's television, for more than a year. So when commenters highlighted the negative impact our rules are having on children whose parents cannot afford other alternatives, I took notice. For example, current rules discourage broadcasters from airing children's educational programs that are less than 30 minutes long—even though short-form programs like *Schoolhouse Rock!* taught millions of children how a bill becomes a law. And current rules discourage broadcasters from airing children's educational specials—like the *ABC Afterschool Specials*, which dealt with important issues facing young people like substance abuse, teenage pregnancy, and illiteracy. I don't believe that we should be discouraging broadcasters from offering our children the best educational content.

That's why I asked Commissioner O'Rielly to head up the Commission's efforts to review the Commission's broadcast rules regarding children's television. And I am pleased that after more than a year of feedback on the effects of our media regulations, the Commission moved forward under his leadership with a Notice of Proposed Rulemaking—an opportunity for the public to examine particular proposals for how to modernize our children's television rules and tell us what works, what doesn't, and what could be improved.

I appreciate your interest in ensuring high-quality content for children. I look forward to sharing your concerns with Commissioner O'Rielly as we work to reexamine the existing rules. Please let me know if I can be of any further assistance.

Sincerely,

  
Ajit V. Pai



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August 10, 2018

The Honorable Bill Nelson  
United States Senate  
716 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Nelson:

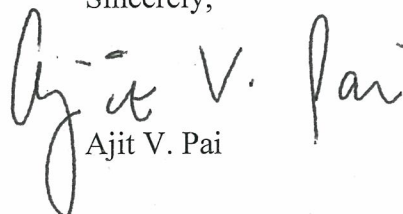
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August 10, 2018

The Honorable Catherine Cortez Masto  
United States Senate  
B40A Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Senator Cortez Masto:

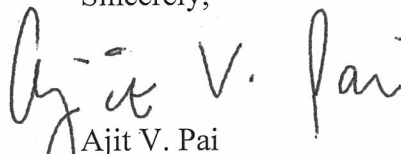
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August 10, 2018

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United States Senate  
255 Dirksen Senate Office Building  
Washington, D.C. 20510

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Sincerely,

A handwritten signature in black ink, reading "Ajit V. Pai". The signature is fluid and cursive, with the first name "Ajit" and last name "Pai" being the most prominent parts.

Ajit V. Pai





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August 10, 2018

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United States Senate  
706 Hart Senate Office Building  
Washington, D.C. 20510

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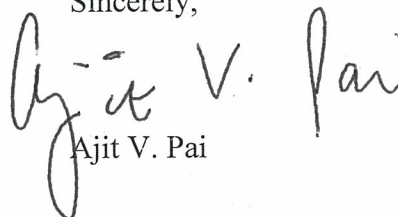
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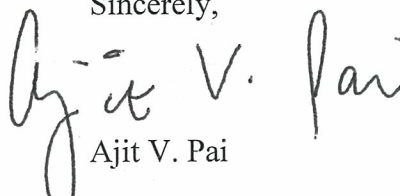
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